

## **REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith. The present Amendment is being made to facilitate prosecution of the application.

### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 2, 4, and 10, which are pending in this application, have been amended. Support for this amendment is provided throughout the Specification as originally filed. It is submitted that these claims, as originally presented, were in full compliance with the requirements 35 U.S.C. §112. No new matter has been introduced by this amendment. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which the Applicants are entitled.

### **II. REJECTIONS UNDER 35 U.S.C. §102(e)**

Claims 2, 4, and 10 were rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Pub. No. 2002/0080533 to Ozue, et al.

Independent claim 2 now recites, *inter alia*:

“...a recording/reproducing portion for producing magnetic interference with said tape magnetic recording medium in a non-contact state,

wherein the entire surface for facing said tape magnetic recording medium is a smooth flat surface placed within a cylindrical drum surface...” (Emphasis Added)

As understood by Applicants, U.S. Pub. No. 2002/0080533 to Ozue, et al.

(hereinafter, merely "Ozue") relates to a magneto-resistance effect type magnetic head used as a magnetic tape reproducing head that reduces contact noise. Ozue describes the magnetic head having a smooth flat surface being a concave shape from the head sliding surface and that the negative pressure head contact is made between these two surfaces placed on the head itself.

On the contrary, in the present application, the head surface has only a smooth flat surface or a smooth curved surface having a curvature greater than the curvature of the rotary drum and has no concave shape. The negative pressure head contact is made between the head surface and the drum surface. There is no concave shape on the head itself.

Applicants respectfully submit that nothing has been found in Ozue that would teach or suggest the above-identified feature of independent claim 2. Specifically, Applicants submit that Ozue fails to teach or suggest a recording/reproducing portion for producing magnetic interference with said tape magnetic recording medium in a non-contact state wherein the entire surface for facing said tape magnetic recording medium is a smooth flat surface placed within a cylindrical drum surface, recited in claim 2. Therefore, claim 2 is patentable.

For reasons similar or somewhat similar to those described above, claim 4 is also patentable.

### **III. DEPENDENT CLAIMS**

Claim 10 is dependent from amended independent claim 2 discussed above and is therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

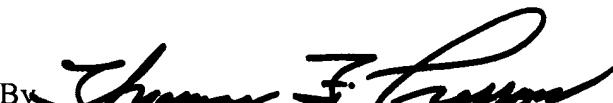
**CONCLUSION**

In the event the Examiner disagrees with any of the statements appearing above with respect to the disclosures in the cited reference, it is respectfully requested that the Examiner specifically indicate the portion or portions of the reference providing the basis for a contrary view.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Please charge any fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

Respectfully submitted,  
FROMMER LAWRENCE & HAUG LLP  
Attorneys for Applicants

By   
Thomas F. Presson  
Reg. No. 41,442  
(212) 588-0800